

MATTER OF DABIRAN
In Exclusion Proceedings

A-11974380

Decided by Board July 17, 1970

The status of an alien parolee whose continued inspection following parole into the United States was delayed because he was arrested for a crime, he escaped from custody and was not apprehended for 7 years, has not been altered thereby, and upon apprehension and termination of parole, exclusion proceedings were proper in his case.

EXCLUDABLE: Act of 1952—Section 212(a) (20) [8 U.S.C. 1182(a) (20)]—Immigrant without visa.

ON BEHALF OF APPLICANT: Hiram W. Kwan, Esquire
840 North Broadway
Los Angeles, California 90012

The applicant, a native and citizen of Iran, appeals from an order of exclusion and deportation entered by the special inquiry officer on February 17, 1970. Counsel on appeal excepts to the finding of excludability.

The applicant, an unmarried male alien, 30 years of age, applied for admission at the port of Del Rio, Texas on November 29, 1962. He was paroled for further inspection to determine his admissibility to the United States (Ex. 2).

The applicant was originally admitted to the United States as a nonimmigrant student on January 25, 1960, destined for attendance at the Glendale College, Los Angeles, California. He was last granted an extension on his stay on July 24, 1961 (Ex. 5). He married a citizen of the United States on July 18, 1961 (p. 14). He testified that he filed an application for adjustment of status to that of a permanent resident alien under section 245 of the Immigration and Nationality Act based upon his marriage to a United States citizen (p. 14). He further testified that his marriage was terminated by a divorce decree entered by the Superior Court for the County of Los Angeles on May 19, 1964. There is